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| <p style="text-align: center;">IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</p> | <i>Application Number</i> | 09/701,023 |
| | <i>Filing Date</i> | June 18, 2001 |
| | <i>First Named Inventor</i> | De YE et al. |
| | <i>Group Art Unit</i> | 1638 |
| | <i>Examiner Name</i> | David T. Fox |
| | <i>Attorney Docket Number</i> | 2577-110 |
| <p><i>Title of the Invention:</i> CONTROL OF SPOROCTE OR MEIOCTE FORMATION IN PLANTS</p> | | |

DECLARATION UNDER 37 CFR 1.131(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Wei-Cai Yang, one of the applicants for the above-identified patent application, declare as follows:

SEQ ID 2

1. That some time in or prior to July 1997, we obtained genomic sequences flanking an Ds insertion line (sgt282, later named spl) by Thermal Assymetic Interlaced PCR (TAIL PCR).

2. That some time on or prior to July 13, 1997, the genomic sequences flanking the Ds insertion referred to under 1. and which correspond to SEQ IDs 2 and 3 were sequenced. The sequencing results were analyzed within a fortnight.

3. That some time on or prior to November 13, 1997, a computer record of SEQ ID 2 was printed.

SEQ ID 1 and SEQ ID 4

4. That some time at the end of July 1997 or prior thereto, the flanking PCR fragments obtained as described under 1. were used as probes to screen an Arabidopsis cDNA library and that several cDNA clones that hybridized with the probes were obtained.

5. That some time on or prior to August 20, 1997, the clones obtained in 4. were sequenced.

6. That some time on or prior to September 5, 1997 the gaps in the sequencing referred to in 5. were filled.

7. That some time on or prior to September 17, 1997 the complete SEQ ID 1 was obtained. The peptide sequence (Seq ID 4) was deducted from SEQ ID 1.

8. The steps referred to in 1-7 were all performed in Singapore or another country that was a WTO member at the time.

9. The date of each of the steps leading to the determination of SEQ IDs 1 to 4 was deduced from notebook records and computer printouts. Copies of the notebook records and computer printouts evidencing the determination of the Sequences and steps leading toward their determination are attached hereto as follows:

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|--------------------------------|------------|
| SEQ IDs 2 & 3 | Exhibit 1; |
| Steps leading to SEQ IDs 2 & 3 | Exhibit 2; |
| SEQ ID 1 & 4 | Exhibit 3; |
| Steps leading to SEQ IDs 1 & 4 | Exhibit 4; |

These notebook records and computer printouts indicate that SEQ IDs 1 to 4 were discovered on or prior to the corresponding dates set forth in the above paragraphs 1-7.

All dates have been redacted in the attached photocopy of the relevant laboratory notebook pages and the computer printouts so as to maintain the confidentiality of the actual date of invention.

10. It is further declared that the accompanying exhibits may not be a complete record of applicant's data concerning the invention of the instant patent application and are not necessarily meant to represent the earliest date of conception. The accompanying exhibits are presented solely to prove a completion of the invention prior to the publication date of the Reichert et al. reference (Accession No. 081836) and prior to the publication date of Rounsley et al. reference (Accession No. B98482) as reflected on the material provided by the Examiner with the Office Action dated February 11, 2003.

The declarant declares that the above statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Date: 12/6/03



Wei-Cai Yang, PhD, Inventor